

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUSINESSES; CREATING ARTICLE IV OF CHAPTER 6, ENTITLED "PET OWNER'S BILL OF RIGHTS"; PROVIDING FOR PRIOR COST ESTIMATION BY ANIMAL TREATMENT PROVIDERS AND WRITTEN APPROVAL OF SAME BY PET OWNER; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois)

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay desire to assist in the relationship between Pet Owners and Animal Treatment Providers; and,

WHEREAS, the Village desires to create Article IV of Chapter 6, entitled "The Pet Owner's Bill of Rights" to require clear understanding of the charge for treatment to be rendered to an individual's pet and concurrence of the charge by the Pet Owner prior to the treatment; and,

WHEREAS, the Mayor and Village Council desire to enact the Ordinance, as provided below.

BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 6, entitled "Businesses" of the Code of Ordinances of the Village of Palmetto Bay is amended to create Article IV entitled "The Pet Owner's Bill of Rights" to read as follows:

* * *

Chapter 6 - Businesses

Article IV. The Pet Owner's Bill of Rights

Section 2. This ordinance shall be known as "The Pet Owner's Bill of Rights."

Section 3. In this "Pet Owner's Bill of Rights" the term "animal treatment provider" means any veterinarian, as licensed by Florida law, or any individual or entity providing diagnosis or treatment of animals.

Section 4. Any animal treatment provider shall not refuse to relinquish custody and control of any animal to the owner of such animal or to the individual who delivered such animal to the animal treatment provider, upon the request of such owner or individual, in connection with any

1 dispute over cost of diagnosis or treatment of the animal or failure to pay the bill for such diagnosis
2 or treatment.

3
4 **Section 5.** Upon the delivery of any animal to an animal treatment provider for the
5 purposes of diagnosis or treatment, the owner or individual delivering the animal must be provided
6 with written notice of the expected cost of the diagnosis or treatment if such diagnosis or treatment
7 will exceed one hundred and fifty dollars (\$150), and any costs in excess of this amount may not be
8 billed or collected in the absence of such written notice. In the event that the cost of any non-
9 emergency diagnosis or non-emergency treatment exceeds the prior written notice by more than one
10 hundred dollars (\$100), such excess cost may not be billed or collected without prior written
11 approval of the owner or individual who delivered the animal. Such written approval may be in the
12 form of electronic text or e-mail, in addition to other forms of communication.

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14 **Section 6.** All ordinances or parts of ordinances in conflict with the provisions of this
15 ordinance are repealed.

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17 **Section 7.** This ordinance shall be codified and included in the Code of Ordinances.

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19 **Section 8.** If any section, clause, sentence, or phrase of this ordinance is for any reason
20 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the
21 validity of the remaining portions of this ordinance.

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23 **Section 9.** This ordinance shall take effect immediately upon enactment.

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25 First Reading: November 4, 2014
26 Second Reading: December 1, 2014

27
28 PASSED AND ENACTED this _____ day of December, 2014.

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31 Attest: _____
32 Meighan Alexander Shelley Stanczyk
33 Village Clerk Mayor

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36 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
37 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

38
39
40 _____
41 Dexter W. Lehtinen
42 Village Attorney

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2 FINAL VOTE AT ADOPTION:
3
4 Council Member Patrick Fiore _____
5
6 Council Member Joan Lindsay _____
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8 Council Member Tim Schaffer _____
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10 Vice-Mayor John DuBois _____
11
12 Mayor Shelley Stanczyk _____